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DEPT OF TRANSPORTATION

Docket Number: NHTSA-2001-10526 - 5

This is a comment to recommend the importation and sale into the United States of the 1999 Ferrari F355 Passenger Car.

Under U.S.C § 30141(a)(1)(A), a vehicle not originally certified to be imported into the United States can be imported if the Secretary of Transportation finds the vehicle is:

1. substantially similar to a motor vehicle originally manufactured for import into and sale in the United States.
2. certified under 49 U.S.C § 30115
3. the same model years as the model of vehicle it is being compared to; and
4. capable of being readily altered to comply with applicable motor vehicle safety standards prescribed under this chapter.

The F355 is no longer manufactured by Ferrari. There is no data available as to why this model was discontinued, but it was not related to safety concerns. The model in question was introduced in 1995 and was built until 1999. It was one of the more affordable models offered by Ferrari and was popular. Its current replacement is the Ferrari 360 series.

With regard to the first criteria, the 1999 Ferrari F355 built to U.S. specifications was substantially similar to the non U.S certified models. The non U.S certified models are mechanically identical to the U.S. certified vehicles and there are minimal safety differences. The non U.S. certified models will need the following changes in order to be identical to the U.S. certified models:

1. A brake light added to the instrument panel that says brake to replace the international warning symbol for the brake failure indicator lamp.
2. A U.S. calibrated speedometer.
3. U.S model headlamps and front sidemark lamps.
4. U.S. model taillamp assemblies with rear sidemark lamps.
5. Installation of a high mounted third brake light (may not be necessary for European models).
6. Installation of a tire information card on driver's side door opening.
7. Possible replacement of the current tires with D.O.T certified tires.
8. U.S. certified right hand rearview mirror with the warnings indicating that objects are closer than they appear in the mirror.

9. Installation of a warning buzzer in the steering lock assembly (may not be necessary for European models).
10. Installation of a relay in the power window system so the windows will be inoperative when the ignition is turned off. (may not be necessary for European models).
11. Installation of a seat belt warning buzzer connected to the driver's seat belt latch.
12. Possible replacement of the driver's and passenger's side airbags control units and sensors. (These non U.S. airbag components are usually interchangeable with U.S. certified parts.)
13. Seat belts with U.S. certified components. (Not applicable to European vehicles).
14. Combination lap and shoulder belts with self-tensioning components and one touch push button release. (Again, seatbelt components are similar on all Ferrari's)
15. Addition of a side impact door beams (if necessary).
16. Replace non DOT certified brake fluid with U.S. certified fluid.

Also, it is important to note that Ferrari, an Italian company, exports all the models it builds. This is not like other manufactures that build specific cars for specific markets. For example, BMW, Mercedes, and Porsche all manufacture models that are specific and unique to the European market and not imported into the U.S. (or North America). However, Ferrari's models are nearly identical, regardless of where they are being imported.

The second requirement, 49 U.S.C. § 30141 (a)(1)(A)(ii), requires a vehicle to be certified under 49 U.S.C § 30115. This section requires the manufacturer or distributor of a motor vehicle or motor vehicle equipment to certify to the distributor or dealer at delivery that the vehicle or equipment complies with applicable motor vehicle safety standards. By making the above changes where necessary, the vehicle can be certified under 30115 as meeting applicable safety standards.

The comparisons made in 1-16 above were made comparing U.S. certified 1999 Ferrari F355 passenger cars with 1999 non-certified F355 passenger cars, satisfying the third requirement of 49 U.S.C § 30141. Most of my data was based upon vehicles sold in throughout Europe and the United Kingdom¹. There was little to no data available to compare the models exported into Africa, Asia, or certain Middle Eastern countries. However, most of the Middle Eastern countries are fully up to European specifications.

Finally, the fourth requirement of 49 U.S.C § 30141 is satisfied because the car in question was designed to be imported into the U.S. Ferrari, unlike many other foreign manufactures does not build different vehicle models for different markets. There is little variation in the models imported to the United States and other countries throughout the world. Because Ferrari is able to export all the vehicles it builds, the different safety

¹ Special thanks to Ferrari of Seattle for providing me with manufacturing specifications of non U.S. certified models.

requirements from different countries can generally be met by replacing the non-conforming parts with parts that conform to the countries specific requirements, as is the case here. Therefore, the above changes can easily be made without compromising the safety of the vehicle because the vehicle was originally designed to meet the specifications.

In conclusion all the necessary factors specified in 49 U.S.C § 30141 (a)(1)(A)(i)-(iv) are met. As a result, the Secretary of Transportation should permit the Non U.S certified vehicles to be imported into the United States. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Mungas". The signature is fluid and cursive, with the first name "Craig" and last name "Mungas" clearly distinguishable.

Craig Mungas